

ENTERED

September 21, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

JESUS HERNANDEZ

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CRIMINAL NO. 2:17-CR-304-2

**OPINION AND ORDER GRANTING FIRST
AMENDED MOTION FOR CONTINUANCE**

On September 20, 2017, Defendant Hernandez moved for a continuance of the final pretrial conference and jury selection and trial because counsel for the Defendant was scheduled for surgery (D.E. 45). All parties, including material witness counsel, were unopposed.

Under the Speedy Trial Act, a district court may grant a continuance and exclude the resulting delay from the time in which a trial must commence if it makes on-the-record findings that the ends of justice served by granting the continuance outweigh the public's and defendant's interests in a speedy trial. 18 U.S.C. § 3161(h)(7).

Having considered the Defendant's motion, the Court finds that the failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the Court finds that the ends of justice are served by granting a continuance in this case and outweigh the best interests of the public and Defendant in a speedy trial, and the period of the continuance is excluded from speedy trial computation.

The Court **GRANTS** the Defendant's motion and **CONTINUES** the final pretrial conference until **Wednesday, November 1, 2017, at 9:00 a.m.** before undersigned and schedules the jury selection and trial for **Tuesday, November 6, 2017, at 9:00 a.m.** before Hon. Nelva Gonzales Ramos.

ORDERED this 21st day of September, 2017.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE